

MINUTES

NATURAL RESOURCES COMMISSION

April 10, 2014

**MSU Diagnostic Center
4125 Beaumont Road, Lansing, MI 48910**

Present for the Natural Resources Commission (NRC)

J.R. Richardson, chairman
John Matonich, vice chairman
Tim Nichols
Rex Schlaybaugh
John Madigan
Louise Klarr
Vicki Pontz

Present for DNR Staff

Keith Creagh, DNR director
William E. Moritz, DNR natural resources deputy
Dennis Knapp, DNR chief of staff
Peter Manning, legal counsel, Office of the Attorney General
Cheryl Nelson, executive assistant to the NRC
Other department staff

COMMITTEE OF THE WHOLE

Chairman J.R. Richardson called the Committee of the Whole meeting to order at 3:20 p.m.

Upcoming Wildfire Season and Prescribed Burns

Forest Resources Division Chief **Bill O'Neill** gave a brief update on the upcoming season, which includes being responsible for more than 20,000,000 acres of state land for fire suppression. Forestry division performs prescribed burns on thousands of acres every year. **O'Neill** provided an update on the division's prescribed burn program with 21 prescribed burns of approximately 1500 acres occurring this year to date. Many burns are funded by hunting license revenue. He also discussed the equipment used on the controlled burns. The burn team includes Parks/Forestry/Wildlife staffers. Director **Creagh** added that **O'Neill** did a great job under the Farm Bill and that he appreciates **Senator Stabenow's** effort with the Farm Bill.

Belle Isle State Park

Parks and Recreation Division Chief **Ron Olson** gave an update on the facilities status. The department is partnering with the Penske Corporation that runs the Detroit Belle Isle Grand Prix. The 1907 Casino building is being revamped. Work is advancing on the Welcome Center to create a customer service center. A volunteer coordinator position has been co-funded with the Belle Isle Conservancy. The Advisory Committee recently met, and supported some grant applications and divided into subcommittees. Olson updated the commission on the upcoming volunteer cleanups that will be occurring at the park. Outreaches have been made to faith-based community. A \$300,000 grant has been received; \$150,000 for trees in the park, \$150,000 for streetscape trees collaborating with the Green of Detroit group. **Schlaybaugh** has received many positive comments about the work being done at the park. **Creagh** thanked Chief **Hagler** and Colonel **Etue** for doing a great job working with Detroit Police Department to make sure everyone has a safe and quality experience on Belle Isle.

Winter Stress on Wildlife Update

Wildlife Division Chief **Russ Mason** provided an update on winter severity for the state's turkey and deer populations. Large losses in the turkey population occurred in the Northern Lower and Upper Peninsulas. A harsh winter resulted in high deer mortality in the Upper Peninsula because of reduced mobility and inability to access vegetation.

Wolf Management Plan

The Wolf Management Plan calls for being updated every five years. The process to update the Plan will be before the commission next month. The department will continue to follow current plan until an updated plan is adopted.

Salmon Bag Limit

Fisheries Division Chief **Jim Dexter** discussed heritage fisheries. A news release is in the works that will highlight some of the state licensed commercial fisheries. Whitefish are the bulk of the harvest. There are only 31 active licensed commercial fishers currently, \$25 million in economic activity with 300 related jobs.

Dexter provided an update on the \$350,000 fund appropriation for the DNR Dam Grant Program. He also discussed Aquatic Habitat Grant Program; 58 applications were received, 43 were eligible. He reviewed projects that have been funded for this year.

Next **Dexter** presented information on the daily bag limits for salmon. At the same time he shared a graph detailing how the limits are determined. He explained this procedure. Using long-term averages, baselines were established. If above the baseline the bag limit would be five, if below the baseline the bag limit would be three. **Dexter** shared another graph which indicated the percent of charter anglers catching three salmon per day and catch rate of Chinook salmon. The numbers have dropped below the baselines, which indicate the bag limit should be three. Options include the establishment of an emergency order to change the bag

limit to three. The concern is that the fishing guides have already gone out so not everyone will know of the change. In addition, an emergency order should only be used in the case of a true emergency. This is not necessarily an emergency. For the time being, the department recommends keeping the bag limit at five. They will be going back to advisory committees to look at the process again, and will bring back a new process this fall after they have worked with advisors from all Great Lakes.

Oil and Gas Lease Auction

Director Creagh has had conversations with Genesee County officials relative to the classification of the land. Staff recommendation is leasable non-development; the property gets the same environmental protection as non-development property. There will be no surface development on those lands. He appreciates working with local officials.

In regard to the May 1 auction and action of the Attorney General's charges against Encana Corp. and Chesapeake Energy, a letter was sent to Encana and Chesapeake on April 8; because of these pending charges, the department is exercising its discretion to bar the companies from taking part as bidders in the upcoming auction. The director also noted that certain parcels of property in Genesee County that will be available for lease at the auction that have been a matter of concern to citizens; these parcels will be classified as leasable non-development.

Director **Creagh** also shared that on March 31, a letter from the Quality of Life directors was sent the Army Corp of Engineers urging quick action to stop Asian carp from entering the Great Lakes.

Legislative Report

Trevor VanDyke, Legislative and Legal Affairs Office Director, provided a written report of legislation introduced related to the DNR. In addition to the written report, **VanDyke** provided updates on recent legislative actions.

Partners in Conservation Award

The Partner's in Conservation Award was presented to the Toledo Zoo by chief **Mason** and Wildlife adaptation specialist, **Chris Hoving**, for their work with the reestablishing the Karner blue butterfly in southeastern Michigan. **Dr. Peter Tolson** from the Zoo accepted the award.

PUBLIC APPEARANCES

(**Dennis Knapp** read the official timekeeping procedures and guidelines for the meeting's public appearances which began at 4:23 p.m.)

Pegge Adams, 9th district Genesee county commissioner, shared her concerns regarding leasing oil and gas rights for areas in Richfield and Davison Townships of Genesee County, and

is worried about dam failure and contamination. She is concerned about chemicals, quality of life issues, and air and water quality issues. **Creagh** indicated that he will pass her comments on to the Department of Environmental Quality.

Representative Pam Faris spoke about parcels that were reclassified leasable non-development within Holloway Regional Park, Genesee Recreation Area Regional Park, and Davison Township. She was displeased with the lack of notification to local officials and said that there is a need for the DNR/DEQ to hold timely townhall meetings in regard to these types of issues. **Faris** asked that the department revise their process for notifying local commissioners. **Faris** requests that Holloway Lake Association parcel be postponed until the fall and that a townhall meeting is needed first. She looks forward to working with the commission in the future. **Creagh** indicated that the department will change the process, that local legislators will be notified, and that the department will hold townhall meetings.

Linda S. Berker, spoke on behalf of Nepessing hikers who stated that inadequate or no notice was given for the oil and gas mineral lease auctions for the Lapeer State Game Area. She requested that the director deny the sale of minerals and instruct the Minerals Management division to reclassify state lands as non-leasable. She also requested that Minerals Management comply with state statutes and recombine these rights with their parent parcels. The Nepessing hikers oppose the leasing of the Lapeer State Game Area for oil and gas extraction. The leasing of these lands and the attendant nuisance in the form of noise, smell, dust, increased road traffic development, potential pollution, and degradation of water resources and habitat are not consistent with their use of the area for canoeing and kayaking, hiking and cross-country skiing in a wild and natural setting free from pollution for enjoyment of the natural flora, fauna, and geographic features of the area. The group believes that a master plan must be created first, then worry about which parcels will be leased. The group requested that all these lands be non-leasable, and wants adequate notice and public meetings in the future.

Miriam Marcus is a resident of Lapeer County, and is against the auction of rights to state-owned land for oil and gas exploration. She discussed the costs and sustaining the land for future generations. Marcus talked about effects of fracking to fresh water aquifers and contamination. She asked the director to act to protect the air and water and the people of Michigan.

Rodney Coronado read a statement regarding hunting of gray wolves. He believes bear hunters should carry more of the burden, restrictions on hound hunting should be a portion of the wolf hunting plan. He also quoted noted wolf researchers Rolf Peterson and John Vucetich, who both have come out to publically criticize the hunt in Michigan, due to the lack of scientific evidence to warrant a hunt. He would like to see a moratorium on wolf hunting and sees the need for more research and education projects. He offered his assistance with the wolf education process that includes public participation.

Andrew Vermeesch, associate legislative counsel for the Michigan Farm Bureau addressed deer damage and members' frustration with lack of tools to prevent deer damage. They are looking for more flexibility in hours and firearms restrictions, and no cost damage permits regardless of it being a hunting season or not. He shared Farm Bureau's policy regarding deer damage. In addition, the members would like to see an expedited process for getting a deer damage permit.

Cherl Strautz is a dairy farmer from Stanton and president of the Montcalm County Farm Bureau. Deer damage is a huge issue facing farmers. They have experienced significant damage to crops and fences. Damage is a common problem in the area, farmers want to help manage the deer population, and ask for more tools. They want to be able to manage nuisance species on their land. She asked for permits that are easily accessible when they need them and to be able to use the weapon of their choosing, and hours need to be more flexible.

Pat McGuire is a farmer from Antrim County. He asked for tools and assistance from the commission and the department. He asked for flexible hours and the opportunity to keep deer out of their fields. He talked about the two ways of managing deer; lethal harassment and non-lethal harassment. He would like permits to have the ability to allow farmers to be effective with their time and to be able to use the weapon of their choice. **Matonich** asked the Farm Bureau to get them a list of the specific tools they would like.

Greg Shooks is a farmer from Antrim County who stated that the white-tailed deer is now a challenge on the farm. He shared his thoughts about deer fencing and the costs. **Shooks** has used crop damage permits and believes they are only a temporary fix. He suggests adding barcode to deer license itself, with information sent to website to give more accurate information on deer harvest. **Shooks** encouraged the department to look at what other states do and stresses using sound science and judgment. Commissioner **Pontz** questions the management of safety concerns, regarding night shooting. **Shooks** suggested contacting local conservation officer, sheriff, so they would be aware, and also keeping open relationship with neighbors.

Ben LaCross is a cherry and apple farmer from Leelanau County who also addressed the issue of deer crop damage. Farmers need more tools to control damage. Out of season permits are a useful tool, he would like same day permitting, broader hunting hours, and an any weapon any season Deer Management Assistance Permit. Tools to mitigate damage must be useful to all farmers.

Agatha Maksymiak is against the wolf hunt. She adds that it is time to rethink notion of wildlife management. Maksymiak asked the commission put an active stay on the wolf hunt in Michigan.

Mike Keeler is from Flint and sits on the Genesee County Parks and Recreation Board. There is no state park land in Genesee County. This creates a situation where public has no control

over what is going on. If selling land, give oil and gas rights back. Deep water hydrological fracking is new and uses 3-7 million gallons per well, water is mixed with sand/chemicals, injected to wells, shale is fracked. He cited Pennsylvania data, where an estimated 10-20% had leakage issues. He feels oil and gas wells do not make good neighbors. He requested all oil and gas lands in Lapeer and Genesee County be reclassified to non-leasable.

Ed Martell spoke on oil and gas leasing, stating that abandoned wells are everywhere the geological domes exist. He believes the department should be careful as these holes are everywhere and close to water.

Esther Fuchs asked that state land be classified as non-leasable. She adds that the fracking causes contaminated water. If it gets into their wells, they will not be able to live there, would have to move and civilization would be at risk of dying.

Anita Bakker was disturbed when she heard land was going to be leased for mineral rights. She requests that more money be put in wind and solar energy.

Ellen Waara spoke regarding comments received on behalf of Marvin Roberson, which reflect his suggestions and the Sierra Club's recommendations. She believes there is a common need for clean air to breathe and quality water. Waara shared the vision that all are linked in the commitment to have a fresh water source. The Sierra Club looks forward to a healthy collaborative relationship with the commission and the department.

Thomas Haley says that the Germans are the best engineers in the world and if they are dragging their feet on fracking, so should we.

Denny Crispell is chairman of the Nepessing group of the Sierra Club. The group provided a packet to the commission which included a hiking schedule. Many members fear what may happen with fracking. The Club's mission is to explore, enjoy and protect the wild places. The group asks that the director reclassify the land as non-leasable.

Wayne Say believes it has been a great privilege to live in the state. He added that the decision to use mineral resources underground is intersecting both science and policy, and he feels the science is weak and is difficult to predict. **Say** adds that the commission are trustees to act on behalf of the state's residents and that the results of fracking are irreversible. He asks that the director and commission be critical of how they evaluate the future petitions as well.

Marty Ogg stated that Hadley Park is in his backyard. He appreciates the environment, and is very concerned of how the air and water quality will be impacted along with the noise and vibration. Ogg's recommendation is to have the land designated non-leasable.

Bobbie Walton very much values importance of local government having a say about land use. She adds that government is responsible for maintaining the balance of rights of individuals and the rights of corporate individuals. She also cares about legislation that would bring more public interest that would be protected. She would like to see those come to a public hearing. The process needs to be handled ethically. **Walton** believes we need to pay attention to the quality of life.

Fred Townsend lives near the Ortonville Recreation Area and is representing the Genesee Audubon. He is concerned that the noise and development would affect habitat.

Barbara Potter from Kalamazoo voiced strong opposition to the wolf hunt. She says that we need to maintain the ecosystem that the wolf is a part of.

Dorothy Mills came to share her views on the Graymont project. It is a proposal to purchase (13,000 acres) land to be surface and underground mined. She has many concerns with hunting, recreation, property values, and timber. **Mills** stated that once this area is mined there is no renewable resource for timber. She has done a door to door survey, 187 were against, 17 were for it and several undecided. **Mills** doesn't think it will benefit the Upper Peninsula (UP). She would like to have the Graymont proposal denied.

Art Mills also spoke about the Graymont Project sharing the activities he does on the land the department is proposing to sell. He is worried about the land area between Lake Michigan and Lake Superior. He added that he moved to the UP to enjoy the quietness.

Don Fredericks, concerned about the proposal and mining in the Rexton area. He thinks if there is underground or surface mining property values will drop. **Fredericks** is concerned about hunting, wildlife, truck traffic, and deer moving out of area; these are things that make the UP tick. He is very concerned about the wells, if they get into the aquifer, they could lose wells. The road traffic would beat roads to death.

Kathy English spoke to the 13,000 acres being reviewed for sale in UP. She conducted a survey of Trout Lake Township residents. With 47 percent of the people responding, she had 96 percent of the respondents against the mining with most opposed to the project and mining in general in the UP. **English** is concerned about mining and what it does to the environment. Federal government awarded Michigan 35.2 million dollars for wildlife and recreation projects. She asked how mining can be considered in the UP when we have a lucrative answer to our economy.

Shawn Ferguson from Grand Rapids is against the wolf hunt and supports a moratorium on wolf hunting until more research is done. **Ferguson** discussed fracking and has done research on independent reports and thanked the director for his comments regarding ending business

with Encana and Chesapeake. He hasn't heard one private citizen support fracking and asked the commission oppose this practice because the risk to the air and water is too high.

Chairman Richardson adjourned the public appearances portion of the meeting at 6:20 p.m. and called to order the regular meeting of the NRC at 6:30 p.m. He noted that all commissioners who were present at the Committee of the Whole are present for the regular meeting.

REGULAR MEETING OF THE NATURAL RESOURCES COMMISSION

NATURAL RESOURCES COMMISSION ACTION ITEMS

Approval of Minutes, March 13, 2014

Commissioner **Matonich** made a motion that the minutes of the March 13, 2014, NRC meeting be approved. Commissioner **Klarr** supported the motion. **Richardson** called for discussion, there being none, a vote was then taken and the motion carried unanimously.

Field Dog Trials at Allegan State Game Area, Wildlife Conservation Order Amendment No. 3 of 2014

Commissioner **Matonich** moved that the Wildlife Conservation Order No. 3 of 2014, Field Dog Trials at Allegan State Game Area be adopted. Commissioner **Pontz** supported the motion. **Richardson** called for discussion, there being none, a vote was taken and the motion carried unanimously.

Bear License Quotas, Wildlife Conservation Order Amendment No. 4 of 2014

Commissioner **Matonich** moved that the Wildlife Conservation Order No. 4 of 2014, Bear License Quotas be adopted. Commissioner **Klarr** supported the motion. **Richardson** called for discussion, there being none, a vote was taken and the motion carried unanimously.

Elk Regulations and License Quotas, Wildlife Conservation Order Amendment No. 5 of 2014

Commissioner **Matonich** moved that the Wildlife Conservation Order No. 5 of 2014, Elk Regulations and License Quotas be adopted. Commissioner **Madigan** supported the motion. **Richardson** called for discussion, there being none, a vote was taken and the motion carried unanimously.

DIRECTOR – FOR INFORMATION ONLY AND ACTION ITEMS

Director **Creagh** listed the "Director's Action" items on the agenda and indicated he would approve these items. He noted that there was much public comment about the Genesee County Park parcels in the oil and gas lease auction, and stated that these properties will all be designated leasable non-development. Creagh also added that public meetings will be held in that area. He stated that a majority of the comments focused on hydraulic fracturing, which he will convey to Michigan Department of Environmental Quality Director **Wyant**.

Creagh wanted it noted that he was signing a land use order to regulate the use of state-owned caves and mines due to the discovery of white nose syndrome in bats. He also wanted it to be known that he signed an order allowing Senior Resident Hunt/Fish Combo License discounts.

COMMITTEE REPORTS

Michigan State Parks Advisory Committee

Commissioner **Klarr** reported that the committee had met earlier in the day. They received presentations on state management plans for Wilderness State Park and Tawas Point State Park. The Michigan State Parks Advisory Committee passed resolutions supporting the management plans for both parks. **Klarr** then provided an overview of the updates on the Parks and Recreation Division's budget, status of the Recreation Passport, grant management review, current legislation on the trust fund/park endowment fund, and on Belle Isle and the Outdoor Adventure Center.

NRC Policy Committee on Wildlife and Fisheries

Commissioner **Matonich** stated that most in the audience were there for the committee meeting and he highlighted the seriousness of white-nose syndrome in bats.

COMMISSIONER REPORTS

Commissioner **Nichols** reported that he represented the commission at a Facilities Operations Support staff meeting on April 8 in Ludington. Monday he attended the Red Cedar River steelhead stocking event and heard many positive comments. He also attended NWTF Timber Ghost Gobblers banquet a couple of weeks previous that had about three dozen youth in attendance.

Commissioner **Matonich** will be attending Northwood's Safari Club International banquet in Escanaba on April 12.

Commissioner **Madigan** attended Bay de Noc sports fishing group meeting last week and also attended Iron County Wildlife Unlimited banquet.

Commissioner **Pontz** thanked the director and the staff for doing an outstanding job at orienting her. She has also attended a couple of stakeholder group meetings.

April 10, 2014

Director **Creagh** shared that he appreciates working with commission on economic indicators, trying to determine what is the right multiplier and how the department can do that, and alignment around the messaging strategy. He will be reporting to the commission on it over the next few months.

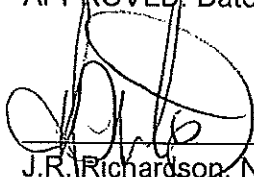
Next Meeting

Chairman **Richardson** announced that the next regular meeting of the commission is scheduled for Thursday, May 8, 2014, at the MSU Diagnostic Center for Population and Animal Health, 4125 Beaumont Road, Lansing. The NRC Policy Committee on Wildlife and Fisheries will be meeting.

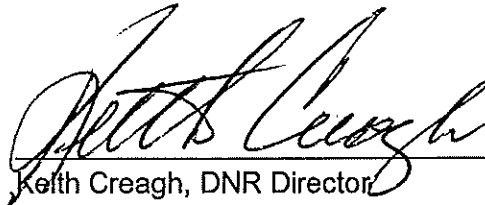
Adjournment

Commissioner Matonich made a motion to adjourn. Commissioner Madigan seconded, and the meeting was adjourned at 6:38 p.m.

APPROVED: Date: 5/8/14



J.R. Richardson, NRC Chairman



Keith Creagh, DNR Director